

Remarks

The Office Action dated March 23, 2004 has been fully considered. Claims 52 and 59 have been amended. New claims 66 and 67 have been added. Reconsideration of the claims in light of the amendments noted above and the remarks which follow is respectfully requested.

The Office Action of March 23, 2004 indicated that claims 57 and 64 would be allowable if rewritten in independent form so as to include the limitations of their respective base claims. This indication is noted with appreciation. New claims 66 and 67 have been added which are claims 57 and 64 as filed but in independent form. An indication of their allowance is respectfully requested.

As to the remaining claims and prior art, the following remarks are provided.

U.S. Patent No. 5,575,818 to Pinchuk

This patent was cited against claims 52-54, 56, 58-61, 63 and 65 under 35 U.S.C. § 102(b). Independent claims 52 and 59 have both been amended to recite that the branch section length is less than the diseased section length. This physical limitation on the device itself is supported throughout the current specification, including Figures 2, 4, 5, 7, 8, 9, 11, 12 and 13. No new matter has been added.

Pinchuk neither teaches nor suggests the claimed device. The device of Pinchuk, as shown and described with respect to Figure 6 therein (or for that matter any disclosure of Pinchuk), does not have a branch section which is shorter than a diseased section. To the extent the device of Pinchuk even has a branch section (the applicants maintain, however, that it does not), it would have to be the middle section because that middle section has the greater porosity as compared to the end sections (*i.e.*, the alleged fixation and alleged diseased sections). In other words, the middle section of the Pinchuk device has both the greatest porosity and the greatest length, which is explicitly opposite to that which is now claimed in claims 52 and 59.

For the reasons discussed above, withdrawal of the rejections of claims 52-54, 56, 58-61, 63 and 65 is respectfully requested.

U.S. Patent No. 6,102,940 to Robichon et al.

This patent was cited against claims 52, 53, 55, 56, 58-60, 62, 63, and 65 under 35 U.S.C. § 102(b). Robichon et al. is not prior art to the present application. Robichon et al. has a U.S. filing date of March 23, 1998 and a French priority date of February 25, 1998. The present application was filed on June 27, 2003 as a continuation of Serial No. 09/021,804 which was filed on February 11, 1998 (abandoned), which claimed priority to provisional application Serial No. 60/047,749 filed on May 27, 1997. Moreover, the first non-provisional in the present family was filed in the U.S. before even the French priority date of the cited reference. Withdrawal of this reference is, therefore, respectfully requested.

Conclusion

For the reasons set forth above, withdrawal of all rejections is respectfully requested. A notice of allowance as to claims 52-67 is respectfully requested.

Respectfully submitted,



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